

CITY OF ALBANY
CITY COUNCIL MEETING
Council Chambers
Wednesday, January 25, 2017
7:15 p.m.

MINUTES

CALL TO ORDER

Mayor Sharon Konopa called the meeting to order at 7:15 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

Chaplain Floyd Bacon and Commander Steve Adams, American Legion Post 10, led the Pledge of Allegiance to the Flag.

ROLL CALL

Councilors present: Mayor Sharon Konopa and Councilors Dick Olsen, Mike Sykes, Bessie Johnson, Rich Kellum, Ray Kopczynski, and Bill Coburn

Councilors absent: None.

PROCLAMATION

Four Chaplains Sunday

Konopa read the proclamation provided in agenda packets. She thanked the American Legion for bringing this forward again this year and for all that they do for our community and the veterans.

Chaplain Floyd Bacon told the story of the four U.S. Army Chaplains from diverse religious backgrounds who stood united in prayer and sacrificed their lives to save others as their troopship sank on February 3, 1943. The American Legion has been commemorating Four Chaplains Sunday for more than 50 years. He expressed appreciation to the Mayor and Council for the proclamation.

SCHEDULED BUSINESS

Business from the Public

Bill Root, 2634 NW Valley View NW, thanked the City for supporting the Albany Toy Run for many years. He gave special thanks to the Police, Fire, and Public Works departments, as well as the Mayor who rode in the Toy Run this year. He acknowledged others who were involved - the Christian Motorcycle Association, the Lebanon Chapter of the Road Maggots, and the Eagles.

Javier Cervantes, 2041 Grace Avenue NW, thanked Council for their service. He said that since he arrived in Albany in 2006, the population of the City has changed dramatically; about 13 percent of the population is now Latino or Hispanic and about 20 percent of the K-8 student population in Albany schools are of Hispanic background. This trend is likely to grow as these children grow up and put down roots. He wants to impress upon the City Council that with this reality of demographics, it is important to provide services and reach out to people coming into our City for the benefit of all of us. He asked that Council consider this as they are doing strategic planning for the future.

Iris Carrasco, 859 NW Ridders Ln, said that for the first time since 1988, no Latinos will serve on the U.S. President's cabinet. She said that Latinos are the largest minority group in the country, and she is concerned about the lack of representation. Last year, she signed up for an open position on an Albany commission for which she had plenty of experience and education. When she didn't hear back, she called the City and was told her application was denied. When she asked for a reason, staff said they didn't have a reason. Her point is that she feels powerless to affect change in what is happening federally; but she doesn't want to feel powerless to affect what is happening locally. She feels that Latinos are not currently reflected in Albany's government, boards or commissions, and she would like to see that change. She requested that when people apply for a board or commission, they are communicated with in a timely manner and that, if they are denied, they are told why and thanked for their time.

Konopa said that there were very few openings on the City's boards and commissions this round, that applications are kept on file for future openings, and that letters are sent to applicants who are not selected, although perhaps that process could be sped up. She said that efforts are made to find a spot for everyone who does apply and that, if someone is already serving on a committee, another applicant may be selected so more people have an opportunity to participate. In response to questions from Konopa,

Carrasco said that she currently serves on the Community Development Commission and that she applied for the Parks & Recreation Commission.

Councilor Ray Kopczynski noted that City meetings are open to the public and any input should be welcomed. Councilor Rich Kellum added that attending meetings and letting the committee know of the interest to participate may increase the chance of being appointed to that body when there is an opening. Assistant City Manager/Chief Information Officer Jorge Salinas said the appointment process begins in November and runs through December, after which letters are sent to applicants who were not selected. Staff will add information to the website advising of the status of that process.

Eric Glass, 1651 NW Highway 20, addressed the proposed Intergovernmental Agreement (IGA) with Benton County for the Corvallis-Albany Path. He said the proposed route as shown in the newspaper would run through the back portion of his property. He and his wife had not been notified that this was the intended route and they do have several concerns about a path running through their property. Their children use that part of the property as a play area, and they are concerned about people having free access to their property. He doesn't feel that it is fair to build a path through someone's property when there are alternative routes available.

Jaimi Glass, 1651 NW Highway 20, said that Benton County's previous presentation indicated that the grant they received was for recreational purposes and that the path would be used for recreation rather than commuting. She said that she commutes on bicycle from her home and downtown Corvallis, that she belongs to bike groups, and that bike commuters don't ride on paths because pedestrians get in the way. She said the train horns are very loud, which is another concern of having children and families on a path next to a train.

Konopa noted that Council will receive information and ask questions of staff on this issue later in the agenda.

Adoption of Consent Calendar

- 1) Approval of Minutes
 - a) November 2, 2016, Work Session minutes
 - b) November 9, 2016, Regular Session minutes
 - c) November 14, 2016, Regular Session minutes
- 2) Accepting a 2-foot by 20-foot easement for public sidewalk and pedestrian crosswalk sign from First Assembly of God for tax lot 11S-03W-08AA-01500, 2727 Santiam Highway SE RES. NO. 6567
- 3) Accepting a 2-foot by 20-foot easement for public sidewalk and pedestrian crosswalk sign from GRH Albany LLC, HCO Albany LLC, and MRH Taylorsville LLC for tax lot 11S-03W-08AD-00700, 2812 Santiam Highway SE RES. NO. 6568

MOTION: Kopczynski moved to adopt the Consent Calendar as presented. Kellum seconded the motion, and it passed 6-0.

Approval of Contract Increase

ST-15-03-A, CARA Street Improvements Phase I

Councilor Bill Coburn said that he assisted staff with the design for this project. He recused himself and left the dais.

City Engineer Staci Belcastro reviewed the written staff memorandum on the dais (see agenda file). Council was asked to approve a contract increase that would allow installation of decorative lighting on First Avenue and Water Street along the Carousel frontages and placement of sidewalk on Washington Street between Water Avenue and First Avenue. The decorative lighting options were reviewed with the Central Albany Revitalization Agency (CARA) Advisory Board which recommended adding double acorn lights and sidewalk replacement to the project currently under construction. Following that meeting, staff met with Dr. Gary Goby who shared that the Carousel supports the lighting improvements adjacent to the Carousel frontages. The Carousel's contractor did not identify any schedule impact with the proposed improvements. Because of planned lighting on the Carousel, Dr. Goby had suggested that two of the light poles in the City's project could be eliminated, as shown on the attachment to the staff memo.

Councilor Mike Sykes said the cost of double acorn lighting was estimated to be \$167,000 when this came to the CARA Advisory Board, but it is now shown to be \$185,000. He questioned why the amount increased, whether bids have been received, and whether staff is confident that the new estimate is correct. Belcastro explained that the initial estimate was increased after staff met with the contractor and

received more information about the service drop needed to power the lights. Staff has not yet received bids; but they are confident they will be able to construct the improvements within the budget shown.

MOTION: Councilor Dick Olsen moved to approve the contract increase. Kopczynski seconded the motion.

Kellum said he thinks that the double acorns are overkill and that single acorns would be fine.

Councilor Bessie Johnson said she has noticed a variety of different lighting used downtown; she doesn't think that having double acorn lighting around the Carousel would seem out of place.

Kellum asked whether a single acorn would put out enough light for safety. Public Works Operations Director Chris Bailey said that there would likely be a variety of options for lamp strength and efforts would be made to find the optimal lighting for the area.

Kopczynski said the purpose of streetscape is to enhance the area, and Konopa agreed.

VOTE: The motion received a vote of 3-2-A, with Kellum and Sykes voting no and Coburn abstaining. According to AMC 2.04.060, the vote became 3-3 and the Mayor voted yes to break the tie. The motion passed 4-2-A, with Kellum and Sykes voting no and Coburn abstaining.

Award of Bid

W-12-02, Albany-Millersburg Water Treatment Plant Sand Removal

Belcastro reviewed staff's recommendation that Council award a bid in the amount of \$493,458 to the low bidder, R & G Excavating, Inc. of Scio, Oregon. Five bids were received, ranging from the low bid up to \$645,570, and staff believes the bids are reflective of the actual costs of the needed work. The project would construct improvements at the Albany-Millersburg Water Treatment Plant to remove sand and sediment prior to raw water entering the filter membranes; this is important because excessive sand has been found to damage membranes and reduce their useful life.

Coburn noted that the staff memo says that pilot tests during design of the water intake did not predict the volume of sand experienced, and he asked whether this was because conditions changed. Bailey said she doesn't know that conditions have changed; but the amount of sand and sediment that comes down the river varies from season-to-season and from year-to-year, making it very difficult to characterize.

MOTION: Kopczynski moved to award the bid to the low bidder, R & G Excavating, Inc. of Scio, Oregon. Johnson seconded the motion, and it passed 6-0.

Approval of Agreement

Intergovernmental Agreement with Benton County for the Corvallis-Albany Path

Transportation Systems Analyst Ron Irish introduced Benton County Engineer Laurel Byers. He said that discussions on the Corvallis-Albany Path project go back a decade or more. Most recently, on September 24, 2014, at the request of Benton County, Council affirmed its willingness to participate in an ODOT Statewide Transportation Improvement Program (STIP) project to construct a portion of the Corvallis-Albany Path. The project would construct bike lane and multi-use path improvements between Scenic Drive and the west end of Hickory Street.

Konopa requested that Irish respond to questions raised during Business from the Public. Irish said the questions raised were about alignment of the path, impacts to property owners along the route, and what the design might look like. Those are difficult questions to answer for this project that will ultimately be designed by ODOT. Because the project involves federal funds, ODOT will go through the federal right-of-way acquisition process, and the City and County have been discouraged by ODOT from undergoing the normal citizen engagement process with property owners. ODOT recently said they would allow the City and County to contact property owners, describe the project and hold an open house; but they will most likely be directed to not get into details of the acquisition process. He said the western two-thirds of the project have right-of-way easements but the eastern one-third does not. That section of the alignment is in that location because of the City's direction some time ago. Benton County's preferred alignment put the eastern portion on the north side of the railroad track and extended the path all the way to Springhill Drive; however, the City Council's preference was that the alignment shift to the south side of the tracks, connect with existing bike lanes on Hickory Street, have the potential to link up with a series of private driveways, and provide an alternate way for those residents to get to school and shopping.

Irish said that the overall project is about \$2.7 million. As described in the IGA, ODOT would contribute just under \$2.1 million, Benton County would contribute \$123,000 in cash as well as up to \$202,522 of previously approved funds for right of way acquisition, and the City's contribution would be a maximum of \$304,500, which would come from TSDC funds.

Byers said that Benton County and the City have been involved in this process for 10 years. In 2013, the City of Corvallis built a portion of the path which is being used by Cheldelin Middle School as an alternative safe route to school. One of the reasons the State supported this project is because it would provide an important alternative to Highway 20 for the neighborhoods to get to the schools and shopping. She said that this is an important project for the Benton County, and they will be going back to the public to find an alignment that will work not only as a commuter route but also as a recreation connection between the two cities. She said the Benton County has negotiated much of the right-of-way and they will continue to look for opportunities to provide fencing or screening based on negotiations with each property owner.

Kellum said Council has already said it supports the path, and he asked why the IGA is needed. Irish said the commitment for County and City matching funds is needed to get the ODOT STIP funds in this cycle. If the two agencies do not agree, there is a high likelihood that those funds would not be available in future cycles.

In response to questions from Johnson, Irish said there was some neighborhood involvement when the original alignment was established, but the City has been discouraged from contacting property owners because the right-of-way acquisition would be conducted by ODOT using the federal process. Byers added that the County held open houses several years ago, but newer property owners along the alignment may not be aware of the project.

Coburn asked about funding for the project. Public Works Engineering and Community Development Director Jeff Blaine said that there is a reserve line in the TSDC budget for this project, and that the funds are available without affecting other projects.

Johnson asked what kind of usage would be expected or how many people would benefit. Byers said that it's hard to conjecture how many people will use multiuse trails; however, the County's consultant did a survey that found there is support for the path. The survey information is on the County's website and she will forward it to City staff.

Konopa said that with the homes off Highway 20 and future development off Hickory Street, she can see the path being used as a safe route to school and stores in North Albany.

Kellum asked Glass how many people she sees when commuting by bicycle on Highway 20. Glass said she rarely sees more than one or two bicycle commuters on the highway. Konopa asked whether the path would be an advantage in providing a safe way for children to get to school or the store. Glass said she would never allow her kids to go the store alone and the path would not be a benefit for her family; keeping her children protected is more of a concern to her than a bike path.

Coburn asked whether there are plans to illuminate the path; Irish said not at this time.

Olsen asked whether the Police Department is prepared to patrol the area. Irish said that security issues along the path have been discussed in some detail. It has been mentioned that there is already a pedestrian corridor in this location, that the path as envisioned would allow for secondary emergency vehicle access to the neighborhoods, and that the amount of misbehavior on paths is related to how heavily they are used.

Olsen said that there are similar situations along the Periwinkle Path as well as along 8th Avenue by his house. He has spoken with people on that path from North Albany and Salem. His point is that people enjoy walking paths and he finds them to be positive assets.

Johnson said the path is in an out-of-the-way location and not really connected to anything; she wondered who would use it. Konopa said that there are other path sections in town without connections and that this path will eventually have connections. In response to questions from Council, Irish said the section of path on West Thornton Lake Drive will eventually extend over to North Albany Road and connect with the City's bike network. The section by the railroad track would connect neighborhoods with the shopping centers and schools.

MOTION: Kopczynski moved that Council authorize the Mayor to enter into an Intergovernmental Agreement with Benton County for participation in the construction and maintenance of the Corvallis – Albany Path. Olsen seconded the motion.

Kopczynski said that this has been talked about for years, that this is an opportunity to have a large portion paid by State STIP funds, and that he wants to take advantage of that while we can.

Eric Glass said the idea that children would use the bike path to travel to school or the store is very presumptuous. He is struggling to understand why the City and County were instructed to not contact the residents. Saying that ODOT is in charge and that acquisition of the land will be done through some other process sounds to him like eminent domain. He asked whether the City Council is in favor of eminent domain being used to collect people's property for a bike path. He said that he will not sell his property or grant an easement; the only way his property will be utilized for this bike path is the eminent domain.

Hasso Hering said that the idea for this project has been around for at least 10 years. It has been discussed many times by the City Council and the Benton County Commissioners and at every step, Council has reaffirmed the idea of wanting to provide this connectivity. He believes that connectivity is a goal in the City's comprehensive plan, the State's transportation plan, and the Oregon legislature. It is important to consider this history and not throw out a development that has received careful consideration over a long period. He referred to the question of how many people would use the path; he cited the Carousel as one example of Council providing money for improvements assuming that they will be used once they are available. He referred to the question of how many people currently ride bicycles between Albany and Corvallis; he said that isn't done frequently because it is currently dangerous to do so. He attended a community meeting regarding the development of an apartment complex off Hickory Street, during which the need for a bicycle/pedestrian connection with the shopping area was raised. He referred to concerns about inconveniencing someone whose property would need to be acquired; he said that is what negotiations are for. He referred to the question of police patrol; he noted that the Police Department has bicycle patrols as well as a 4-wheel "Gator" but that it's premature to worry about that now. He asked Council to not entertain half-baked excuses for not doing something that has been considered, reconsidered, and affirmed so many, many times.

In response to a question from Kellum, Hering said he has talked with the County Commissioners about plans to make the bike route on Riverside Drive more usable, and he believes they are committed to widening the shoulders to make that a little safer.

Kellum said that the property owners have said they aren't interested in selling; therefore, unless there are four members of Council willing to use eminent domain, he doesn't think there is any reason to continue. Konopa said it could be many years before the project goes through, during which the alignment could shift, property ownership could change, or negotiations could occur. She said the question is whether Council wants to see that connection and alternative mode of transportation beside Highway 20 in the future.

VOTE: The motion passed 4-3 with Johnson, Kellum and Sykes voting no.

Appointments

City Commissions and Committee

There was a revised memo on the dais (see agenda file).

MOTION: Kopczynski moved to approve the appointments in the revised staff memo on the dais. Kellum seconded the motion, and it passed 6-0.

Hospital Facility Authority

MOTION: Coburn moved to reappoint Sue Folden and appoint Colleen Keller to the Hospital Facility Authority. Kopczynski seconded the motion, and it passed 6-0.

Report

Adoption of the Strategic Plan for FY2017 through FY2021

MOTION: Coburn moved to adopt the Strategic Plan as presented. Kopczynski seconded the motion, and it passed 6-0.

BUSINESS FROM THE COUNCIL

Kellum said he received a call from a constituent asking what he had against Greater Albany Public Schools (GAPS), pointing out he had wanted to hold them accountable and make sure the City wasn't subsidizing GAPS. Kellum explained that GAPS has students from inside the City and outside the City and that, if the City gives a

deal to GAPS, then people inside the City are paying more than those outside the City, which is why he had an issue and spoke out.

Kellum related concerns he has heard from constituents regarding places where trucks go in and out leaving gravel on the highway. He doesn't know whether Council should address this; but he is raising it because he got the call.

Kellum said he is bothered by landscaping companies that blow debris into the street and leave it there. He would like to communicate that people should not blow their grass, leaves, and debris into the street unless they are going to collect it. Brief discussion followed.

Konopa said that she would like to see the ordinance over towing companies brought forward within the next month.

Salinas said the Budget Committee would meet Thursday, January 26, 6:30 p.m. in Council Chambers.

RECESS TO EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION OR LITIGATION LIKELY TO FILED IN ACCORDANCE WITH ORS 192.660(2)(h)

Council recessed to Executive Session at 9:15 p.m.

RECONVENE

Council reconvened to Regular Session at 9:40 p.m.

City Attorney Sean Kidd referenced earlier discussions about Albany-Corvallis Path, and noted that ODOT would be negotiating the acquisition of property and that any type of eminent domain would be through ODOT, not the City Council.

NEXT MEETING DATE

Work Session: Monday, February 6, 2017
Regular Session: Wednesday, February 8, 2017

ADJOURNMENT

There being no other business, the meeting was adjourned at 9:42 p.m.

Respectfully submitted,

Reviewed by,

Teresa Nix
Administrative Assistant

Wes Hare
City Manager